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SACRAMENTO COURTS
DEPT. #54

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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF SACRAMENTO

12 FAIR POLITICAL PRACTICES
COMMISSION, a state agency,

13 Plaintiff,

14 v.

15 CAROLINE GETTY, WILD ROSE, LLC,

16 Defendants.

Case No. 03AS05766

FINAL JUDGMENT PURSUANT TO
STIPULATION

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19 Plaintiff Fair Political Practices Commission, a state agency, and defendants Caroline Getty
20 and Wild Rose, LLC, having entered into a Stipulation For Entry Of Judgment attached hereto.
21 wherein the parties stipulated and agreed to the existence of certain facts and conclusions of law, and
22 to the issuance this Final Judgment; and

23
24 Defendants having authorized the Court to enter judgment in this action, pursuant to the
25 Stipulation For Entry Of Judgment, on request of plaintiff Fair Political Practices Commission, with
26 notice to defendants, and good cause appearing therefore:

27 IT IS HEREBY ORDERED ADJUDGED AND DECREED THAT:

28 Defendant Caroline Getty admits that her actions as set forth in the Stipulation for Entry of

FINAL JUDGMENT

1 Judgment resulted in two violations of Government Code sections 84301 and one violation of
2 Government Code section 84200, subdivision (b). Defendant Wild Rose, LLC admits that its
3 actions as set forth the Stipulation for Entry of Judgment resulted in two violations of Government
4 Code section 84302. However, defendants assert that they acted in reliance upon expert legal
5 advice, did not mean to violate any applicable laws and regulations, and did not intend to, and did
6 not, benefit in any way from the passage of the Propositions. Through its investigation of this matter,
7 the Fair Political Practices Commission has uncovered no evidence which is contrary to defendants'
8 assertion. For these violations, defendants Caroline Getty and Wild Rose, LLC are ordered to pay a
9 total monetary penalty between them of One hundred and thirty-five thousand dollars (\$135,000.00).
10 Payment shall be made by cashier's check, payable to the "General Fund of the State of California"
11 upon entry of this Final Judgment.

12 The parties shall each bear their own costs and attorney fees.

13 This final judgment shall take effect immediately upon entry. The clerk is directed to enter
14 this final judgment forthwith.

15
16
17 Date:

4.25.17

JUDGE SHELLEYANNE W. L. CHANG
JUDGE OF THE SUPERIOR COURT

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10 COUNTY OF SACRAMENTO

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12 FAIR POLITICAL PRACTICES
COMMISSION, a state agency,

13 Plaintiff,

14 v.

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16 CAROLINE GETTY, WILD ROSE, LLC,

17 Defendants.
18
19

Case No. 03AS05766

STIPULATION FOR ENTRY OF
JUDGMENT

(IN FAVOR OF PLAINTIFF AGAINST
DEFENDANTS CAROLINE GETTY AND
WILD ROSE, LLC)

20 Plaintiff Fair Political Practices Commission, a state agency, by its attorneys, and defendants
21 Caroline Getty and Wild Rose, LLC, by their attorneys, enter into this stipulation to resolve all factual
22 and legal issues pertaining to the complaint for civil penalties filed in this matter on October 16, 2003.

23 It is stipulated by and between the parties as follows:

24 The complaint in this action was properly filed and service was accepted by defendants
25 Caroline Getty and Wild Rose, LLC.

26 Jurisdiction of the subject matter and of the parties to this action, and venue, are properly in
27 Sacramento Superior Court. The complaint alleges two causes of action against defendant Caroline
28 Getty (the First and Third Causes of Action) and one cause of action against defendant Wild Rose,

STIPULATION FOR JUDGMENT

1 LLC (the Second Cause of Action).

2 The court shall enter judgment in this action, pursuant to stipulation, on request of plaintiff
3 Fair Political Practices Commission, with notice to defendants.

4 Plaintiff Fair Political Practices Commission and defendants agree to enter into this stipulation
5 to resolve all factual and legal issues raised in this matter, and to reach a final disposition with respect
6 to the defendants without the necessity of holding a civil trial.

7 Defendants understand, and hereby knowingly and voluntarily waive, any and all procedural
8 rights which they could have exercised if this stipulation had not been entered into, including but not
9 limited to, their rights to discovery, to appear personally at any trial of this matter, to confront and
10 cross-examine witnesses, and to have the trial presided over by an impartial judge, and heard and
11 determined by a jury.

12 ENTRY OF JUDGMENT

13 For the violations of the Political Reform Act admitted herein, plaintiff Fair Political Practices
14 Commission and defendants Caroline Getty and Wild Rose, LLC stipulate that a final judgment be
15 entered in the form attached hereto and made a part hereof as Exhibit "A," against defendant
16 Caroline Getty and defendant Wild Rose, LLC and in favor of the Fair Political Practices
17 Commission on the Complaint, for a monetary civil penalty of One Hundred and Thirty-Five
18 Thousand Dollars (\$135,000.00); each side to bear its owns costs and attorney's fees. Payment of
19 the sum of One Hundred and Thirty-Five Thousand Dollars shall be made by a cashier's check.
20 payable to the "General Fund of the State of California" upon the execution by all parties of this
21 stipulation and the entry of the final judgment.

22 The final judgment may be signed by any judge of the Superior Court of the State of
23 California, for the County of Sacramento, and entered by the clerk of the Sacramento Superior
24 Court upon application of the plaintiff without notice.

25 STIPULATED STATEMENT OF LAW AND FACTS

26 1. THE PARTIES AND BACKGROUND INFORMATION

27 Plaintiff Fair Political Practices Commission (the "Commission") is a state agency created by
28 the Political Reform Act of 1974 (the "Act") found at Government Code sections 81000 through

1 91014. The Commission has the primary responsibility for the impartial, effective administration and
2 implementation of the Act. (Government Code section 83111.) Pursuant to Government Code
3 section 91001, subdivision (b), the Commission is the civil prosecutor for matters involving state
4 election campaigns, and is authorized to maintain this action under Government Code sections
5 91001, subdivision (b), 91004, 91005 and 91005.5.

6 Defendant Caroline Getty was, at all times relevant to this matter, a resident of the state of
7 California and the beneficial owner of a trust that is the sole member of Wild Rose, LLC, a limited
8 liability company established in the State of Washington.

9 Defendant Wild Rose, LLC was, at all times relevant to this matter, a limited liability
10 company established in the State of Washington and authorized to do business in the state of
11 California.

12 2. SUMMARY OF THE CAMPAIGN DISCLOSURE LAW

13 An express purpose of the Act, as set forth in Government Code section 81002, subdivision
14 (a), is to ensure that the contributions and expenditures affecting election campaigns are fully and
15 truthfully disclosed to the public, so that voters may be better informed, and so that improper
16 practices will be inhibited. In furtherance of this purpose of disclosure, the Act sets forth a
17 comprehensive campaign reporting system. (Government Code section 84200 *et seq.*)

18 Pursuant to Government Code section 84301, no contribution shall be made, directly or
19 indirectly, by any person in a name other than the name by which the person is identified for legal
20 purposes.

21 Pursuant to Government Code section 84302, no person shall make a contribution on behalf
22 of another, or while acting as the intermediary or agent of another, without disclosing to the recipient
23 of the contribution both his or her full name and street address, occupation, and the name of his or
24 her employer, if any, or his or her principal place of business if self-employed, and the full name,
25 street address, occupation, and the name of the employer, if any, or principal place of business if self-
26 employed, of the other person.

27 Pursuant to Government Code section 82047, "person" means an individual, . . .
28 corporation, limited liability company, . . . and any other organization or group of persons acting in

1 concert.

2 Pursuant to Government Code section 84200, subdivision (b), a committee which qualifies
3 under Government Code section 82013, subdivision (c), as a "major donor" committee, shall file
4 semi-annual campaign statements each year, no later than July 31 for the reporting period ending
5 June 30, and no later than January 31 for the reporting period ending December 31, if the committee
6 has made any contributions during the reporting period.

7 Under Government Code section 84211, any semi-annual campaign statement required to be
8 filed by a committee must contain specified information about the contributions made by the
9 committee during the reporting period covered by the statement.

10 3. CIVIL ENFORCEMENT PROVISIONS

11 Government Code section 91004 provides that any person who intentionally or negligently
12 violates any of the reporting requirements of the Act shall be liable in a civil action in an amount up to
13 the amount(s) not properly reported. Government Code section 91005.5 provides that any person
14 who violates any section of the Political Reform Act, other than certain provisions listed in section
15 91005.5, unless otherwise provided, is liable in a civil action for up to five thousand dollars (\$5,000)
16 per violation. Persons that violate Government Code sections 84200, 84301 and 84302 are liable in
17 a civil action brought pursuant to Government Code sections 91004 and 91005.5.

18 4. SUMMARY OF THE FACTS

19 In 1999, defendant Caroline Getty formed defendant Wild Rose, LLC for the purpose of
20 making charitable grants and donations for environmental and conservation causes in California.

21 In late 1999, a representative of The Nature Conservancy solicited a contribution from
22 defendant Caroline Getty to support the Yes on Propositions 12 and 13 campaigns. Proposition 12
23 was a statewide bond measure that allowed the state to sell \$2.1 billion in general obligation bonds to
24 finance the acquisition, development and protection of recreational, cultural and natural areas in
25 California. Proposition 13 was a statewide bond measure that allowed the state to sell \$1.97 billion
26 in general obligation bonds to finance improvements in the safety, quality and reliability of water
27 supplies, as well as improvements in flood protection.

28 In January of 2000, defendant Caroline Getty directed her wholly owned company,

1 defendant Wild Rose, LLC, to make a contribution of \$500,000 to The Nature Conservancy Action
2 Fund of California to support the Yes on Propositions 12 and 13 campaigns, and she transferred the
3 money for the contribution to defendant Wild Rose, LLC to enable it to make the contribution.

4 On January 19, 2000, defendant Wild Rose, LLC made a contribution of \$500,000 to The
5 Nature Conservancy Action Fund of California to support the Yes on Propositions 12 and 13
6 campaigns.

7 A pre-election campaign disclosure statement filed by The Nature Conservancy Action Fund
8 of California for the reporting period January 1, 2000 through January 22, 2000, disclosed the
9 receipt of a \$500,000 contribution from defendant Wild Rose, LLC.

10 On July 25, 2000, defendant Wild Rose, LLC electronically filed a major donor campaign
11 statement with the California Secretary of State's office, covering the reporting period January 1,
12 2000 through June 30, 2000, disclosing a single contribution of \$500,000 by Wild Rose, LLC and
13 made no reference to defendant Caroline Getty.

14 In late 2001, a representative of The Nature Conservancy solicited a contribution from
15 defendant Caroline Getty to support the Yes on Proposition 40 campaign. Proposition 40 was a
16 statewide bond measure that allowed the state to sell \$2.6 billion in general obligation bonds to
17 finance the conservation of natural resources (land, air and water), the acquisition and improvement
18 of state and local parks, and the preservation of historical and cultural resources.

19 In January of 2002, defendant Caroline Getty directed her wholly owned company,
20 defendant Wild Rose, LLC, to make a contribution of \$500,000 to The Nature Conservancy Action
21 Fund of California to support the Yes on Proposition 40 campaign, and she transferred the money
22 for the contribution to defendant Wild Rose, LLC to enable it to make the contribution.

23 A pre-election campaign disclosure statement filed by The Nature Conservancy Action
24 Fund of California, for the reporting period January 20, 2002 through February 16, 2002, disclosed
25 the receipt of a \$500,000 contribution from defendant Wild Rose, LLC.

26 On July 31, 2002, defendants Caroline Getty and Wild Rose, LLC filed a major donor
27 campaign statement with the California Secretary of State's office, covering the reporting period
28 January 1, 2002 through June 30, 2002, disclosing a single contribution of \$500,000.

1 Defendants assert that when making and reporting the contribution of \$500,000 to The
2 Nature Conservancy Action Fund in January of 2000, defendants sought the advice of counsel with
3 expertise in political and election law who advised defendants that the method used by defendants to
4 make and report the \$500,000 contribution fully complied with existing law in the state of California.
5 Defendants acted upon this advice.

6 Defendants assert that when making and reporting the contribution of \$500,000 to The
7 Nature Conservancy Action Fund of California in January of 2002, defendants sought and acted
8 upon advice of such counsel who advised defendants that the method used by defendants to make
9 and report the \$500,000 contribution fully complied with existing law of the state of California.

10 Defendants assert that they did not intend to, and did not, benefit in any way from the
11 passage of Propositions 12 and 13 which were supported by the contribution of \$500,000 made in
12 January of 2000, or by the passage of Proposition 40, which was supported by the contribution of
13 \$500,00 in January of 2002. Through its investigation of this matter, the Fair Political Practices
14 Commission has uncovered no evidence which is contrary to defendants' assertions.

15 By transferring \$500,000 to defendant Wild Rose, LLC in January 2000, so that it could
16 carry out her direction to make a \$500,000 contribution to The Nature Conservancy Action Fund of
17 California, defendant Caroline Getty made a contribution of \$500,000 to The Nature Conservancy
18 Action Fund of California in a name other than her own in violation of section 84301 of the
19 Government Code, and thereby became a major donor committee pursuant to section 82013,
20 subdivision (c) of the Government Code.

21 By making a contribution of \$500,000 to The Nature Conservancy Action Fund of California
22 in January 2000, while acting as an intermediary for defendant Getty without disclosing that defendant
23 Getty was the source of the contribution, defendant Wild Rose, LLC violated section 84302 of the
24 Government Code.

25 Although defendant Wild Rose, LLC filed a major donor campaign statement within the
26 proper time frame for filing such a statement, defendant Caroline Getty did not file a major donor
27 campaign statement by July 31, 2000 disclosing the \$500,000 contribution to The Nature
28 Conservancy Action Fund of California in violation of section 842000, subdivision (b).

1 By transferring \$500,000 to defendant Wild Rose, LLC in January 2002, so that it could
2 carry out her direction to make a \$500,000 contribution to The Nature Conservancy Action Fund of
3 California, defendant Caroline Getty made a contribution of \$500,000 to The Nature Conservancy
4 Action Fund in a name other than her own name in violation of section 84301 of the Government
5 Code, and thereby became a major donor committee pursuant to section 82013, subdivision (c) of
6 the Government Code. On July 31, 2002, defendant Caroline Getty timely filed a major donor
7 campaign statement for this contribution.

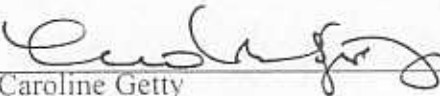
8 By making a contribution of \$500,000 to The Nature Conservancy Action Fund of California
9 in January 2002, while acting as an intermediary for defendant Getty without disclosing that defendant
10 Getty was the source of the contribution, defendant Wild Rose, LLC violated section 84302 of the
11 Government Code.

12 Defendants' acts, as set forth above, in making, transferring and reporting the political
13 contributions to The Nature Conservancy Action Fund of California in 2000 and 2002 resulted in
14 five violations of the Political Reform Act. However, defendants assert that they acted in reliance
15 upon expert legal advice, did not mean to violate any applicable laws and regulations, and did not
16 intend to, and did not, benefit in any way from the passage of the Propositions. Through its
17 investigation of this matter, the Fair Political Practices Commission has uncovered no evidence which
18 is contrary to defendants' assertion.

19 CONCLUSION

20 Judgment shall be entered by this court, in favor of plaintiff Fair Political Practices
21 Commission, and against defendants Caroline Getty and Wild Rose, LLC on the Complaint, in the
22 amount of One Hundred and Thirty Five Thousand Dollars (\$135,000), each side to bear its own
23 costs and attorney's fees.

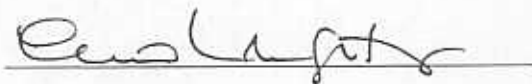
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25 Date: March 16, 2004


Caroline Getty

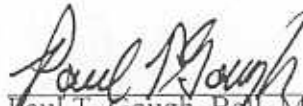
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27 Date: March 16, 2004

Wild Rose, LLC

28 BY:



1
2 Date: 3-12-04


Paul T. Gough, Bell, McAndrews, Hiltachk
& Davidian, LLP, Attorneys for Defendants
Caroline Getty and Wild Rose, LLC


3
4 Date: 3/18/04

FAIR/POLITICAL PRACTICES COMMISSION

5
6 BY:



7
8 Date: 3/17/2004


Jeffery A. Sly, Attorney for Fair Political Practices
Commission